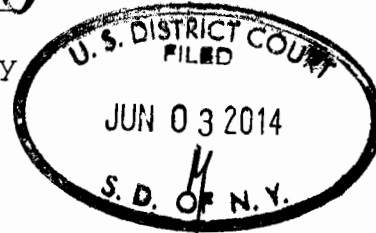


ORIGINAL

Approved: **14 MAG 1220**
PATRICK EGAN
Assistant United States Attorney

Before: THE HONORABLE FRANK MAAS
United States Magistrate Judge
Southern District of New York



DOC # 1

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UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. - : Violation of
18 U.S.C. § 922(g)(1)
EFRAIN RODRIGUEZ, :
COUNTY OF OFFENSE:
Defendant. : BRONX
----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

EDGARDO BARBOT, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about May 16, 2014, in the Southern District of New York, EFRAIN RODRIGUEZ, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, a firearm, to wit, a .32 caliber Davis Industries semi-automatic pistol, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective assigned to the Gun Enhancement Unit of the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of

establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. In the course of my investigation, I have spoken with a police officer from the 48th Precinct in the Bronx, New York ("Officer-1"), who participated in the arrest of EFRAIN RODRIGUEZ, the defendant. From speaking with Officer-1, I have learned, among other things, the following:

a. On or about May 16, 2014, Officer-1 and another uniformed officer ("Officer-2") were driving in the vicinity of Marmion Avenue and Fairmont Place, in the Bronx, New York in an unmarked police vehicle.

b. As Officer-1 and Officer-2 turned on to Fairmont Place, they each observed RODRIGUEZ looking into windows of cars that were parked on the street. RODRIGUEZ was carrying a bag at the time.

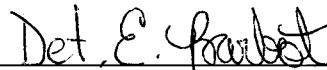
c. Officer-1 got out of the car and approached RODRIGUEZ. As Officer-1 approached, RODRIGUEZ backed away from the car, held the bag away from his body and stated, in substance, "I have a gun in the bag."

d. Officer-1 and Officer-2 secured the bag and Officer-2 recovered a loaded .32 caliber Davis Industries semi-automatic pistol from inside the bag. Officer-1 and Officer-2 then placed RODRIGUEZ under arrest.

4. Based on my training and experience, and my communications with other law enforcement agents, including a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms, I know that .32 caliber Davis Industries semi-automatic pistols are not and have never been manufactured in New York State.

5. I have reviewed criminal history records pertaining to EFRAIN RODRIGUEZ, the defendant, which show that the defendant was convicted on or about October 15, 2009, in the Supreme Court of the State of New York, Bronx County, of Attempted Robbery in the Third Degree, in violation of New York Penal Law § 110/160.05, a felony, which is punishable by imprisonment for more than one year.

6. WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of EPHRAIN RODRIGUEZ, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



Detective Edgardo Barbot
New York City Police Department

Sworn to before me this
3rd day of June, 2014



THE HONORABLE FRANK MAAS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK